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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL MCINTYRE, an
individual,

Plaintiff,

vs.

AETNA LIFE INSURANCE
COMPANY and DOES 1-10,
inclusive,

Defendants.

Case No. CV15-02103-JGB (DTBx)

JUDGMENT

Judge: Hon. Jesus G. Bernal
Ctrm.: 1 (Riverside)

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:

Pursuant to the Findings of Fact and Conclusions of Law (In Chambers),
dated May 12, 2017 (Docket No. 30), judgment shall be entered in favor of
Michael McIntyre ("Plaintiff") and against Defendant Aetna Life Insurance
Company ("Aetna") as follows:

1. Plaintiff was employed by Home Depot.
2. Plaintiff was insured by Aetna under a long-term disability ("LTD")

1 plan insured and administered by Aetna under which Plaintiff was a participant.

2 3. Plaintiff's last day of work was February 20, 2014.

3 4. Plaintiff became entitled to receive LTD benefits after the 180
4 elimination period ended on August 21, 2014.

5 5. Aetna denied the claim in a letter dated April 6, 2015. Aetna did not
6 pay any benefits to Plaintiff.

7 6. Plaintiff appealed Aetna's denial, which Aetna also denied. This
8 action followed, and the parties briefed the issue to the Court.

9 7. The Court conducted a bench trial on November 14, 2016.

10 8. The Court ruled on May 12, 2017, that Plaintiff met his burden of
11 proving he was permanently disabled as of August 22, 2014.

12 9. Plaintiff has met his burden of proving he was permanently disabled
13 as of August 22, 2014. The medical records also demonstrate that Plaintiff's total
14 and permanent disability remains as Plaintiff has adequately established diagnoses
15 that would support a functional impairment that prevents him from performing any
16 reasonable occupation.

17 10. Plaintiff's gross LTD monthly benefit is \$1,632.80. From August 22,
18 2017, through May 21, 2017, these benefits total \$53,882.40 ($\$1,632.80 * 33$).

19 11. Plaintiff received State Disability Insurance benefits during the LTD
20 period in the total amount of \$10,067.24. These benefits are an offset against the
21 Aetna LTD benefits.

22 12. The net benefits owed to Plaintiff by Aetna through May 21, 2017, are
23 \$43,815.16 ($\$53,882.40 - \$10,067.24$).

24 13. Future benefits subsequent to May 21, 2017, are to be paid by Aetna
25 in accordance with the LTD plan and the Court's Findings of Fact and Conclusions
26 of Law (Docket. No. 30).

27 14. Plaintiff has applied for Social Security Disability Benefits which
28 have been denied. The denial has been appealed and a final determination is

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1 pending. Should Plaintiff be awarded Social Security Disability, Aetna shall be
2 entitled to reimbursement for any overpayment in accordance with the terms of the
3 LTD plan and the Reimbursement Agreement signed by Plaintiff on February 5,
4 2015.

5 15. Therefore, the Court orders judgment in favor of Plaintiff and against
6 Aetna in the amount of \$43,815.16.

7 16. Plaintiff shall have leave to file motions for attorney fees and costs.
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9 IT IS SO ORDERED.

10 DATED: May 19, 2017

11 By: 

12 Hon. Jesus G. Bernal
13 United States District Judge
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